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October 23, 2019

The Honorable Robert B. Kugler  
United States District Judge  
Mitchell H. Cohen Bldg.  
4<sup>th</sup> and Cooper Sts.  
Camden, N.J. 08101

Re: *Shain Duka v. United States* 13 Cv. 3665  
*Dritan Duka v. United States* 13 Cv. 3664

Dear Judge Kugler:

This joint letter is respectfully submitted, with the consent of all parties to amend the October 15, 2019 scheduling order issued by Your Honor.

On August 13, 2019 (mandate issued October 4, 2019) the United States Court of Appeals for the Third Circuit, upon the consent of all parties, remanded these proceedings to this Court for consideration of the merits of petitioners challenge to their 18 U.S.C. § 924(c)(3)(B) convictions in light of *Johnson v. United States*, 135 S.Ct. 2551 (2015). While the parties' request was pending in the Third Circuit, the United States Supreme Court decided *United States v. Davis*, 139 S.Ct. 2319 (June 29, 2019) which may provide additional authority upon which to dismiss the 924(c) convictions. In addition, the United States Supreme Court decided *Rehaif v. United States*, 139 S.Ct. 2191 (June 21, 2019) which may provide a basis to dismiss petitioners' 18 U.S.C §922(g) convictions.

Petitioners Shain Duka and Dritan Duka desire to submit supplemental papers addressing, *inter alia*, the impact of *Davis* on their initial *Johnson* challenge and the opportunity to argue that *Rehaif* makes their 922(g) convictions subject to dismissal. The petitioners have consulted with each other and with the government about how to proceed. Subject to the approval of the Court, all parties agreed that petitioners could file a supplemental memorandum no later than December 23, 2019 and that the government file its answer no later than February 21, 2020. Should petitioners wish to file a reply memorandum it would be due no later than March 20, 2020.

Wherefore, it is respectfully requested that this Court amend the scheduling order as set forth above. Thank you for your kind attention to this matter.

Respectfully submitted,

*/s/ Robert J. Boyle*  
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Attorney for Shain Duka

*/s/ Chad Edgar*  
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Attorney for Dritan Duka

RJB:bms

cc: AUSA Norman Gross (via ECF)